

EXHIBIT H

From: Asim Bhansali [<mailto:abhansali@kblfirm.com>]

Sent: Wednesday, March 10, 2021 11:21 AM

To: Seeve, Brian <bseeve@princetonobel.com>

Cc: Matthias Kamber <mkamber@keker.com>; abruns@keker.com; Carrie J. Parker <cparker@keker.com>; Gayle-Luz, Keisha <kgayleluz@princetonobel.com>; Gannon, Kevin <kgannon@princetonobel.com>; Singular <Singular@princetonobel.com>; nathan.speed@wolfgreenfield.com

Subject: Re: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

Brian,

In light of your statement yesterday that the deposition would not go forward, we released Dr. Patterson. He is available on March 25, April 7, or April 8. Please let us know on which of those dates Singular would like to proceed. We'll need to address the deposition logistics further before the selected date.

Regards,

Asim Bhansali

Kwun Bhansali Lazarus LLP | www.kblfirm.com

555 Montgomery Street, Suite 750 | San Francisco, CA 94111

(415) 630-2352 | abhansali@kblfirm.com | vCard



On Wed, Mar 10, 2021 at 6:28 AM Seeve, Brian <bseeve@princetonobel.com> wrote:

Dear Asim and Matthias,

We are surprised that we have not yet received a response to our request to meet and confer, given the urgency of the issues involved and the fact that Dr. Patterson's deposition is scheduled to take place in just a few hours.

Let me be clear: we would view a "no-show" by Dr. Patterson as an unacceptable failure on the part of Google to meet its discovery obligations. We expect Dr. Patterson to appear for his deposition at Noon Eastern today, as scheduled more than a week ago and agreed-to by Google.

Best,

Brian

On Mar 9, 2021, at 10:34 PM, Seeve, Brian <bseeve@princetonobel.com> wrote:

Dear Asim,

As I told you earlier, Singular is not willing to play along with Google's attempts to change the agreed-upon parameters of Dr. Patterson's deposition at the last minute, based on Google's unsubstantiated insinuations about "security concerns" that are wholly unsupported by evidence or explanation. Through its unilateral demands—communicated to Singular for the first time on the eve of deposition—Google has reneged on its promise to produce Dr. Patterson as scheduled, and therefore his deposition will not take place tomorrow.

We view Google's refusal to produce Dr. Patterson as promised to be a matter of grave concern. Throughout this litigation, Google has exhibited cavalier disregard for its discovery obligations and contempt for the rules of the Court. Singular would like to meet and confer with Google regarding this matter at the earliest possible opportunity so these issues can be brought before the Court in short order.

Best,

Brian Seeve

On Mar 9, 2021, at 10:17 PM, Asim Bhansali <abhansali@kblfirm.com> wrote:

Brian,

Google is prepared to proceed with the deposition in a way that protects its confidential information and doesn't risk its information being seen by unauthorized persons, which would risk both harm to Google and a violation of the protective order. As Matthias noted, there are a number of security risks with Zoom, as well as with other platforms. We are willing to examine the possibility of using Agile Law further for future depositions, but we are not in a position to consent to transmission of Google's confidential information over Agile Law without further evaluation. As you are no doubt aware, even established legal vendors have suffered security hacks, so we simply cannot consent to using Agile Law based on what we know now.

As was noted in Matthias's email earlier today, we are willing to proceed with one of two secure options: with Veritext, the vendor you say Singular originally wanted to use, at our expense for this deposition, using Google Meet and Drive to secure confidential information, or with Esquire over WebEx using Drive for exhibits. You have offered no reason why one of these options isn't feasible for tomorrow's deposition. The Veritext reporter has been set up and the Drive links are prepared.

Please let us know by 8 pm PT whether you will proceed tomorrow using either of the options we have proposed. We need to let Dr. Patterson know if he should, as he currently is planning to and prepared to, appear for deposition at 9 am tomorrow morning.

Regards,

Asim Bhansali

Kwun Bhansali Lazarus LLP | www.kblfirm.com
555 Montgomery Street, Suite 750 | San Francisco, CA 94111
(415) 630-2352 | abhansali@kblfirm.com | [vCard](#)



On Tue, Mar 9, 2021 at 5:27 PM Seeve, Brian <bseeve@princelobel.com> wrote:

Dear Matthias,

You have yet to explain exactly what your concerns with Agile are, and it is becoming increasingly clear that this is because they are in fact merely a delaying tactic that you have manufactured out of whole cloth.

Agile is a standard, widely used deposition-services platform with robust security features, as you would have discovered if you had any genuine desire to look into the issue. These security features are explained in the whitepaper that I have attached to this email, and that we have previously provided to Google in preparation for this deposition. This whitepaper is also a public document that is accessible via the "Google" search engine (which can be accessed using the web address <http://www.google.com>). Your attempts to paint Agile as anything less than a trustworthy, reliable, industry-standard deposition services platform are based on innuendo and prevarication, and nothing more.

As I stated previously, we will proceed with Dr. Patterson's deposition tomorrow, using the Agile software as planned. Please inform us as soon as possible whether Google intends to honor its earlier promise to produce Dr. Patterson for his scheduled deposition.

Best,

- Brian

On Mar 9, 2021, at 7:22 PM, Matthias Kamber <mkamber@keker.com> wrote:

Brian,

We have done everything we can to allow this deposition to proceed tomorrow as planned, including making last-minute arrangements, at our cost, to ensure proper security. Those concerns are neither untimely or unfounded; we raised them last week, well in advance of the deposition, and relate to the use of services that have known security issues (as my children know from Zoom-bombers joining their virtual classrooms). As for Veritext, the claim that they "require the use of Zoom software" is simply not true; I am not sure where you may have gotten that impression, but certainly not from us. Veritext has been able to conduct remote depositions using the tools we have asked for

here on numerous occasions—and can do so tomorrow, as well. If they told you otherwise, and that is the genesis of all of these issues, then that is unfortunate.

None of this is meant in bad faith. Nor is any of it meant to stop you from taking Dr. Patterson's deposition. We are prepared to proceed using Veritext (or Esquire using WebEx), but Google is not willing to have the witness use the Agile Law platform, which was first disclosed to us on Friday. Alternatively, the deposition can proceed via Esquire/WebEx but using Drive for exhibits using the links we provide you. Given all this, we fail to see any basis for seeking sanctions if Singular insists on using Agile Law instead.

As for the allegation that we "admitted" to withholding documents until the eve of the deposition, that is not well taken. We have not withheld any of his documents from production prior to the deposition; we have, however, warned you of the possibility of other documents related to Dr. Patterson may be part of our next production. To take the courtesy of that fair warning and misconstrue it as you do is all the more unhelpful because it is so orthogonal to the issue of deposition mechanics that we are grappling with.

Again, to the extent you need to reach me, I am available at 415.244.5921. Ideally this will be resolved by tonight so that the deposition can proceed smoothly tomorrow morning.

Regards,

Matthias

From: Seeve, Brian <bseeve@princelobel.com>

Sent: Tuesday, March 9, 2021 3:48 PM

To: Matthias Kamber <MKamber@keker.com>

Cc: Andrew S. Bruns <ABruns@keker.com>; Carrie J. Parker <CParker@keker.com>; kgayleluz@princelobel.com; kgannon@princelobel.com; abhansali@kblfirm.com; singular@princelobel.com

Subject: Re: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

[EXTERNAL]

Dear Matthias,

Your objections to our chosen deposition services platform are unfounded and untimely. They appear to be based entirely on the fact that one of the links on the AgileLaw homepage—which is wholly separate from AgileLaw's deposition services software and not directly related in any way to its security features—appears to be broken. You bring these objections to us on the eve of a deposition that was noticed and planned well over a week ago.

You also claim that "we never said Veritext was not an option," but this is false. As you know, Veritext requires the use of Zoom software, and you can plainly see in the email chain below that your own paralegal Carrie Parker told us that "the Patterson deposition cannot go forward using Zoom." This prohibition is apparently one of many artificial restrictions that Google places on its employees in the context of depositions, the sole purpose of which appears to be obstructing litigation and preventing opposing counsel from conducting proper discovery.

These bad faith tactics are not the only ones you have used to stop us from taking Dr. Patterson's deposition. Less than a week ago you admitted that you had withheld documents from production until the eve of the deposition and further admitted that they were likely relevant to questions we might want to ask Dr. Patterson.

We will proceed with the deposition as planned, using the Agile deposition services software. If Google fails to produce Dr. Patterson tomorrow for his deposition, Singular will move for appropriate sanctions. We are confident that the court will see any such move for what it is: a clear attempt on the part of Google to stall discovery and obstruct this litigation.

Best,

- Brian

Begin forwarded message:

From: Matthias Kamber <mkamber@keker.com>

Date: March 9, 2021 at 1:00:41 PM EST

To: "McGonagle, Dan" <DMcGonagle@princetonobel.com>

Cc: abruns@keker.com, cparker@keker.com, "Gayle-Luz, Keisha" <kgayleluz@princetonobel.com>, "Gannon, Kevin"

<kgannon@princetonobel.com>, abhansali@kblfirm.com, stevellis@google.com

Subject: Re: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

Dan,

Following up on the below, Google continues to have concerns about the security of the AgileLaw platform. Notably, both the links to "Security" on AgileLaw's homepage seem to be broken—a not encouraging sign. Please therefore have your vendor reach out to Steve Ellis at Google, cc'd here, to answer questions about platform security.

We are also looking into a backup option for tomorrow's deposition. Google has used Veritext to conduct depositions and would be willing to pay the reporter's appearance fee for Dr. Patterson's deposition so as to ensure that secure platforms are used for both the videoconferencing and exhibit sharing. We are looking into whether Veritext would be able to supply a reporter/setup for tomorrow if necessary.

Thanks,

Matthias

On Mar 8, 2021, at 1:43 PM, McGonagle, Dan <dmcgonagle@princetonobel.com> wrote:

[EXTERNAL]

Andy,

Agile Law does not require any deponent to download third-party software in order to use it during the course of the deposition. The deponent and counsel just visits the Agile Law website, enters their name, email, and a pin number that will be provided by us. They will then be admitted into the deposition.

This tool is one that our attorneys are already familiar with. To address any security concerns that you or Google might have, our vendor has made themselves available to discuss.

Please let me know.

Thanks,

Dan

From: Andrew S. Bruns [mailto:abruns@keker.com]

Sent: Monday, March 8, 2021 2:08 PM

To: McGonagle, Dan <DMcGonagle@princetonobel.com>; cparker@keker.com; Gayle-Luz, Keisha <kgayleluz@princetonobel.com>

Cc: Gannon, Kevin <kgannon@princetonobel.com>; abhansali@kblfirm.com; mkamber@keker.com

Subject: RE: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

Dan,

Carrie passed along the thread below. I understand that you and your team have been in touch with her regarding the logistics for Wednesday's deposition of David Patterson. I'm writing to follow-up on one remaining logistical issue, the handling of deposition exhibits.

As I believe Carrie has noted, given Singular's likely use of Google's confidential business information as part of Dr. Patterson's remote deposition (and subsequent depositions in this case), Google has security concerns regarding Singular's intent to utilize a third-party vendor to handle deposition exhibits. Moreover, Google employees only have access to their corporate-issued machines for work activities, such as depositions. These machines, have specific technical and security configurations, which do not allow or even support many third party software tools.

Given these issues, Google asks that Google Drive be used by both parties to handle any exhibits for depositions in this case. We are willing to provide assistance to your team and the court reporter, including with setting up Drive accounts and folders, a demonstration of their use, etc. We are also happy to discuss this issue on the phone this afternoon, Pacific time, or tomorrow. Please let us know what times might work for a call. Absent agreement to use Google Drive, we'll need to discuss further how to resolve any security concerns.

Best,

Andy

Andrew Bruns

Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111-1809
415 962 8821 direct | 415 391 5400 main
abruns@keker.com | [vcard](#) | keker.com

Pronouns: he/him/his

From: McGonagle, Dan <dmcgonagle@princelobel.com>

Sent: Friday, March 5, 2021 1:53 PM

To: Carrie J. Parker <CParker@keker.com>; kgayleluz@princelobel.com

Cc: kgannon@princelobel.com

Subject: RE: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

[EXTERNAL]

Hi Carrie,

Keisha forwarded along your correspondence. We will be using AgileLaw for the purposes of presenting exhibits for the upcoming deposition. Attached is a document that explains the product and details the security functions that it has.

The vendor has made himself available for discussion to explain how the product works and address any security concerns that you might have. Let us know if you want us to set that up.

Thanks,

Dan McGonagle

Prince Lobel Tye LLP
One International Place, Suite 3700
Boston, Massachusetts 02110
617.456.8081 Direct

From: Carrie J. Parker [<mailto:cparker@keker.com>]
Sent: Thursday, March 4, 2021 8:06 PM
To: Gayle-Luz, Keisha <kgayleluz@princelobel.com>
Subject: RE: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

Hi Keisha,

I heard back from Google and yes, you can use WebEx (browser version) as the video platform for the deposition.

More information regarding the Google drive for depo exhibits:

The main concern Google has is making sure that the deposition exhibits can be loaded into a folder on Google drive. The way this would work is the Google paralegal, Suzie Gonzalez-Pender, will set up the deposition exhibit folder giving access to your attorneys that need it, our attorney defending the deposition, the witness, the court reporter and the videographer. She just needs to get the email addresses for the participants beforehand so she can verify that their email addresses are associated with a Google account. If their email address is not associated with a Google account, Suzie will send instructions on how to set it up. Once everyone is set up, Suzie will share the folder with everyone that needs access. Please forward all of the relevant email addresses to me and I will forward them on to Suzie and we can go from there for the Google drive folder set-up.

Thanks,

Carrie

From: Gayle-Luz, Keisha
Sent: Thursday, March 4, 2021 1:35 PM
To: Carrie J. Parker
Subject: RE: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

[EXTERNAL]

Hi Carrie,

Inquiring to see if Google has a policy restricting the use of Webex as a video platform for depositions.

Thanks,

Keisha

From: Carrie J. Parker [<mailto:cparker@keker.com>]
Sent: Tuesday, March 2, 2021 5:44 PM
To: Gayle-Luz, Keisha <kgayleluz@princelobel.com>
Subject: RE: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

That sounds good, thank you!

From: Gayle-Luz, Keisha <kgayleluz@princelobel.com>
Sent: Tuesday, March 2, 2021 2:21 PM

To: Carrie J. Parker <CParker@keker.com>

Subject: RE: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

[EXTERNAL]

Hi Carrie,

Hope you are also doing well, and thank you for bringing these issues to my attention. I'll discuss with the team and get back to you with any questions we may have.

Best,

Keisha

From: Carrie J. Parker [<mailto:cparker@keker.com>]

Sent: Tuesday, March 2, 2021 2:02 PM

To: Gayle-Luz, Keisha <kgayleluz@princelobel.com>

Subject: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

Hi Keisha,

I hope that you are doing well. Since you may be the person setting up the court reporter for the Patterson deposition going forward on March 10, I am reaching out to you to let you know about some logistical issues that have come up with Google witness depositions. These issues will affect all of the Google witness depositions in this case so my attorneys have asked that I reach out to let you and your office know about them as soon as possible so there can be protocols put in place.

1. Because of security concerns, Google has a policy that prohibits employees from having ZOOM installed on their Google computers. Therefore, the Patterson deposition cannot go forward using ZOOM. Google will allow as a first option Google meet and as a second option Skype. We can set up the Google meet for everyone including all parties and the court reporting service. I would need to know all participants that would need the Google meet link.
2. Because of security concerns, Google does not allow the use of court reporting services "exhibit share" sites that are used to load exhibits for the depositions. Google will allow a Google drive folder to be set up where all parties and the witness have access to the folder and the exhibits can be loaded or dropped in during the deposition. Typically, we (KVP) or Google would set up an empty Google drive folder and send around the link to that folder to be used for uploading the exhibits in real-time. The link would be sent around in advance of the deposition.

Once you have had a chance to speak with your attorneys, please let me know if they/you have any questions regarding the logistics for the Patterson deposition. I am happy to assist with coordination of the deposition logistics on my end.

Thank you,

Carrie

Carrie J. Parker

Senior Trial Paralegal

Keker, Van Nest & Peters LLP

633 Battery Street

San Francisco, CA 94111-1809

415 773 6638 direct | 415 391 5400 main

cparker@keker.com | keker.com